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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,487	12/04/2003	Ramgopal Vissa		7523

7590 07/05/2005

Micropyretics Heaters International, Inc.
613 Redna Terrace
Cincinnati, OH 45215

EXAMINER

FASTOVSKY, LEONID M

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,487

Applicant(s)

VISSA ET AL.

Examiner

Leonid M. Fastovsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4 and 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification

1. Claim 3 is objected to because of the following informalities: in claim 3, line 2, the word "of" should be deleted and in line 4 the word "each" should be changed to - - said at least one - - so to provide clear and consistent language throughout the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3, 4, 7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Ellersick (4,159,411).

Campbell teaches an infrared heater apparatus 10 comprising a module 16 having two infrared heaters 24, the module 16 includes a housing 18 rotatable on an axis normal to the x-axis at 360 degree and coupled to a support 20. However, he does not teach a 180 degree rotation on the x-axis. Ellersick teaches an infrared heating apparatus 10 with a flexible frame, comprising two modules 12 attached to one another by a pivot 16 and rotatable at a 180 degree on the x-axis. It would have been obvious to one having ordinary skill in the art to modify Campbell's invention to include a 180 degree rotation as taught by Ellersick in order to diversify usage of his heating apparatus.

As for claims 7 and 9-10, the terms "as a die heater", "a paint remover" and "a convective heat generator" are for intended use only, and Campbell's invention is capable of performing the intended use. See MPEP 2114 and *Ex parte Masham*, 2 USPQ2d 1647 (1987).

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Ellersick and further in view of Stephansen et al.

Campbell in view of Ellersick discloses substantially the claimed invention, but does not disclose a paper dryer. Stephansen discloses a paper dryer 10 comprising infrared heaters 51. It would have been obvious to modify the invention of Campbell in view of Ellersick to use them as a paper dryer as taught by Stephansen in order to dry paper to individual specifications (col. 2, lines 44-50).

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Ellersick and further in view of Van Putten et al.

Campbell in view of Ellersick teaches substantially the claimed invention, but does not teach an ionized gas. Van Putten teaches an apparatus for heating a plate using an ionized gas (col. 1, lines 39-45). It would have been obvious to one having ordinary skill in the art to modify the invention of Campbell in view of Ellersick to include an ionized gas as taught by Van Putten in order to achieve high degree of uniformity in temperature distribution (col. 1, lines 39-45).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leonid M Fastovsky
Examiner
Art Unit 3742

lmf

6/20/05



CHERYL TYLER
SUPERVISORY PATENT EXAMINER